

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Earl Goodwine,

Plaintiff,

-against-

ORDER

Case No. 12-cv-3882 (TLM)

National Railroad Passenger Corp., et al.,

Defendants

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Plaintiff filed seven Motions [Rec. Docs. 149, 155, 156, 159, 167, 170, and 190] between September 20 and October 4, 2013 seeking dispositive relief, including summary judgment, entry of the defendants' default, and an order deeming the allegations in plaintiff's Amended Complaint to be true. The undersigned referred these Motions to United States Magistrate Judge James Orenstein [Rec. Docs. 166, 168, 172, and 193]. On December 10, 2013, Judge Orenstein issued a thorough Report and Recommendation and Order [Rec. Doc. 210], which discussed the various forms of dispositive relief requested, the legal principles involved, and the relevant history of the case. Judge Orenstein recommended denying all plaintiff's requests for dispositive relief. Plaintiff has filed Objections to Judge Orenstein's Report and Recommendations. [Rec. Docs. 219 and 220]. After a careful review of plaintiff's Objections and Judge Orenstein's Report and Recommendations and based on the Court's intimate knowledge of the history of this case, the Court agrees with Judge Orenstein's analysis of the facts and the law. It is therefore

ORDERED that the Court adopts the December 10, 2013 Report and Recommendations of the Honorable James Orenstein, United States Magistrate Judge [Rec. Doc. 210] and denies plaintiff's requests for dispositive relief, [Rec. Docs. 149, 155, 156, 159, 167, 170, and 190].

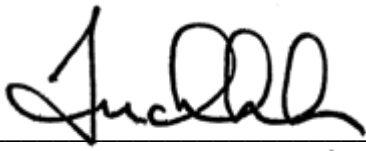
To the extent plaintiff's Objections request the recusal of United States Magistrate Judge James Orenstein or otherwise challenge the involvement of a magistrate judge in this proceeding,

such objections are DENIED AS MOOT. On September 30, 2013, Plaintiff filed a Motion to Compel to Show Where it Stipulates I Have to Have a Magistrate Judge. [Rec. Doc. 181]. This Motion was referred to Judge Orenstein for disposition [Rec. Doc. 184] and denied in Judge Orenstein's December 10, 2013 Order [Rec. Doc. 210]. Plaintiff also filed a separate Motion for Recusal on December 31, 2013 [Rec. Doc. 218], which Motion was addressed and denied by Judge Orenstein on January 6, 2014 [Rec. Doc. 221]. For these reasons, the Court will not revisit plaintiff's requests pertaining to the involvement of Judge Orenstein or any other United States Magistrate Judge in this litigation.

Portions of plaintiff's Objections complain of unfair treatment by defendants or others and request explanations regarding the procedural history of this case, but fail to specify any relief that may be sought under law. These requests are therefore DENIED AS MOOT.

Judge Orenstein previously ordered the plaintiff "not to file any further motions or otherwise seek relief of any kind without leave from the court." [Rec. Doc. 186]. The plaintiff is once again instructed that he is not to file any further motions or requests for relief except in compliance with a prior order of this Court, including the Court's Jury Trial Procedure Order [Rec. Doc. 153], without first obtaining the Court's permission. Should the plaintiff continue to file requests for relief the Court will consider imposing sanctions, including an award of costs or possible dismissal of this action for failure to comply with the Court's orders. *See* Fed. R. Civ. P. 16(f).

SO ORDERED.


Tucker L. Melançon
United States District Judge

January 9, 2014
Brooklyn, NY